GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Fisheries Department - Allegations levelled against Sri V. Tirupathaiah, the then DDF (I/c), Bhimavaram, presently working as Assistant Director of Fisheries, Manyam District for failure to follow the Government instructions/guidelines as well as for violation of APCS (Conduct) Rules, 1964 in appointing Smt. S. Gayatri as Fishermen under Compassionate grounds –Initiation of Disciplinary proceedings instituted under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Article of charges - Issued.

ANIMAL HUSBANDRY, DAIRY DEV. & FISHERIES (DY. & VIG.)DEPARTMENT

G.O.RT.No. 252 Dated: 23-09-2024
Read:

From the Commissioner of Fisheries, AP., Vijayawada Letter No. 220/A1/2023-1, Dt. 12.07.2023 & 6-6-2024.

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ORDER:-

It is proposed to hold an enquiry against Sri V. Tirupathaiah, the then DDF (I/c), Bhimavaram, presently working as Assistant Director of Fisheries, Manyam District for failure to follow the Government instructions/guidelines as well as for violation of APCS (Conduct) Rules, 1964 in appointing Smt. S. Gayatri as Fishermen under Compassionate grounds in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct and mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed Annexures I&II. A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures III & IV.

3. Sri V. Tirupathaiah, the then DDF(I/c), Bhimavaram presently working as Assistant Director of Fisheries, Manyam District is directed to submit his written statement of defence within 15 days from the date of receipt of this order.

4. Sri V. Tirupathaiah, the then DDF(I/c), Bhimavaram presently working as Assistant Director of Fisheries, Manyam District is informed that an inquiry will be held only in respect of those Articles of Charges which are not admitted. He should, therefore, specifically admit or deny each Article of charge.

5. Sri V. Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as Assistant Director of Fisheries, Manyam District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

(P.T.O)

6. Attention of Sri V. Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as Assistant Director of Fisheries, Manyam District is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that above said Sri V. Tirupathaiah, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964. 7. The receipt of the G.O shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

To
Sri V. Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as Assistant Director of Fisheries, Manyam District **through the** Commissioner of Fisheries, AP., Vijayawada

Copy to:
The Commissioner of Fisheries, AP., Vijayawada(with a request to serve the order & obtain the dated acknowledgement and furnish the same).

Sc/Sf.

//FORWARDED:: BY ORDER//

SECTION OFFICER

(Annexure to G.O Rt No. 252, AHDD&F(Dy.&Vig.) Dept., Dt.23.09.2024.)

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI V. TIRUPATHAIAH,THE THEN DDF (I/C), BHIMAVARAM PRESENTLY WORKING AS ASSISTANT DIRECTOR OF FISHERIES, MANYAM DISTRICT

That Sri.V.Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as Assistant Director of Fisheries, Manyam District has joined in Government Service on 22.07.1995 as Asst. Inspector of Fisheries in Zone-II, and worked in various stations in said capacity in Zone-II. Subsequently, he was promoted as Inspector of Fisheries on 14.02.2001, and Asst. Director of Fisheries on 25.10.2017 and worked in the said capacities at various stations. Later he was holding In- Charge of the post of Deputy Director of Fisheries, Bhimavaram. While functioning in the capacity Deputy Director of Fisheries(i/c), Bhimavaram on 19.11.2019, in the said capacity, he committed irregularities in misusing the powers and violation of Government rules and issued orders and submitted improper enquiry report without thorough enquiry which led ineligible person i.e., Smt. S.Gayatri appointed as Fishermen under compassionate grounds in as much as:

Article of Charge:

That the said Sri V.Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as ADF, Manyam District, during the tenure of DDF(I/c), Bhimavaram on 19.11.2019 has failed to follow the Government instructions/guidelines and he has not conducted thorough enquiry and submitted the enquiry report in the said capacity which led the ineligible person Smt. S.Gayatri who is 2nd wife's married daughter appointed as Fishermen under compassionate grounds. She is not eligible for compassionate appointment. It is a clear case of dereliction of duty, wilful negligence in discharging official legitimate duties on the part of the said officer.

Thus, Sri V.Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as ADF, Manyam District by his above mentioned acts, exhibited lack of integrity, devotion to duty, conduct unbecoming of Government Servant in violation to the provisions under rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

ANNEXURE - II

STATEMENT OF IMPUTATIONS IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI V. TIRUPATHAIAH,THE THEN DDF (I/c), BHIMAVARAM PRESENTLY WORKING AS ASSISTANT DIRECTOR OF FISHERIES, MANYAM DISTRICT

(Conti…4)

As per the directions of the Hon'ble Court dated 27.10.2022 in WP No. 23703/2022, the District Collector i.e., 4th Respondent has issued speaking orders vide Lr. No. Collector & District Magistrate, Eluru District, Eluru Lr. No. A.4/1907/2016(Fisheries), dated 17.06.2023:

Objection No.1 :The objection filed by the Writ petitioners regarding conduct of crime investigation of tampering the Government maintained service record and forging the signature of her deceased father and also their signature to give benefit to unknown persons which is not admissible as the petitioner has not filed any objection to the Family Member Certificate and no earning member certificate issued by the Tahsildar, Eluru dt.7.11.2019 and also to the Notary affidavit dt.19.11.2010 and simply they are stating that they don't know anything about all these authorized documents. If they felt that tampering of SR and signatures of her father forged by unknown persons, they could have filed a criminal case against the unknown persons, but they neither filed a criminal Case nor approached the Hon'ble court of law until 2022 (i.e., Spandana petition). Now also the Writ Petitioners can file a complaint on the suspected individuals in local Police Station and if any employee is involved as per primafacie enquiry the police can proceed further investigation in the matter as per existing rules and procedure.

Objection No:2: Regarding Providing Job to the Writ Petitioner No.1 i.e., Smt. Bondada Lakshmi Kalayani, the following facts were came into the light during the hearing.

As per the deposition of the Respondent No.5 & 6, the deceased employee Sri. Chennavarapu Raghavulu performed Second marriage with Smt. Bhaskaramm while in service even he already has wife namely Smt. Ch. Mahalakshmi and children.

According to Rule 25 of Conduct Rules 1964:

"No Government Employee who has a wife living shall contract another marriage without first obtaining the permission of the Government, Notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him"

However, on production of all certificates including No-Objection affidavit which is Notarized to the appointing authority i.e., Joint Director of Fisheries by Smt. S. Gayathri (2nd Wife's daughter), an appointment has been made to the individual even though the individual already married as on date of death of father which is contrary to Government Memo. No.406 /10/A/ Admn. 20.03.2004.

The Government have issued clarification vide Memo. No. 406 /10 /A.1 /Admn.11/2004, dt: 20.03.2004 that:

"Once marriage is performed, a daughter is not dependent father/mother even if she is an un- employee or her husband is un- employee. A married daughter is dependent on her father/mother if she is living with her father mother when her

(Conti..5)

husband deserts her or disappears for years together or dies. In all such cases, the husband should not have left any property/income to his wife and the married daughter is solely dependent on the support provided by her father/ mother and is an un-employee".

In this instant Case, the Respondent No.6 i.e., Smt. Sajjavarapu Gayatri got married to Sri Sajjavarapu Merryya prior to the death of her father and leading life with her husband as per her deposition and it is clear that she is not a dependent on her father Sri Chennaparapu Raghavulu and the fisheries officials i.e., Sri. K.Phani Prakash, JD, Fisheries and Sri V.Tirupataiah, DD Fisheries failed to follow the Government guidelines issued above.

In view of the above, the compassionate appointment given to Smt. S. Gayathri is contrary to the Government instructions. Hence, the District Collector, Eluru has requested the Commissioner of Fisheries, Vijayawada to take necessary action on the compassionate appointment in consultation with the Government as per the rules in vogue.

On the other hand, the Writ Petitioners also not entitled to get Job under compassionate appointment as per the same Government Memo No.406/10/A.1/Admn-II/2004, dt: 20.03.2004, as they are also married at the time of demise of their father and living with their husband and not a dependent on their father as per their depositions. Hence, the request made by the Spandana Petitioner and the Writ Petitioner No.1 herein i.e., Smt B.Lakshmi Kalyani and Writ petitioner No.2 i.e., Smt. Challaguruvula Durga deserves no consideration.

In view of the speaking order issued by the District Collector, Eluru, Government has been requested to initiate disciplinary action against Sri K.Phani Prakash, JD, Fisheries (Retd.) and Sri V.Tirupathaiah the then DDF, Bhimavaram (i/c) presently working as ADF, Manyam District who are directly involved in processing the proposals of wrongful compassionate appointment and issued orders.

Thus, Sri V.Tirupathaiah, the then DDF (I/c), Bhimavaram presently working as ADF, Manyam District, has intentionally and wilfully and without conducting thorough enquiry and submitted false enquiry report and not followed the Government Instructions/guidelines in preparing the enquiry report which led to ineligible persons appointed under compassionate grounds which is grave irregularity committed by the said officer. It is a clear case of dereliction of duty wilful act of negligence and on the part of said officer. Thus, exhibited lack of integrity, devotion to duty, conduct unbecoming of Government Servant in violation to the provisions under rule 3 (1) and (2) of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Thus, the charge.

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

(Conti..6)

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI V. TIRUPATHAIAH,THE THEN DDF(I/c), BHIMAVARAM PRESENTLY WORKING AS ASSISTANT DIRECTOR OF FISHERIES, MANYAM DISTRICT ARE PROPOSED TO BE SUSTAINED

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1. Letter from Collector & District Magistrate, Eluru District, Eluru Lr. No. A.4/1907/2016(Fisheries), dated 17.06.2023.

2. Speaking order from Collector & District Magistrate, Eluru District, Eluru Lr. No. A.4/1907/2016(Fisheries), dated 17.06.2023.

3. Govt. Memo No. 2165962/Dy. & Vig (2)/2023, dated 20.05.2024.

4. Rule 25 of APCS (Conduct) Rules, 1964.

5. Govt. Memo No. 2166322/Fish/A.1/2023, dated 11.01.2024.

6. Government Memo. No.406/10/A.1/Admn.II/2004, dt:20.03.2004.

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SRI V. TIRUPATHAIAH,THE THEN DDF (I/c), BHIMAVARAM PRESENTLY WORKING AS ASSISTANT DIRECTOR OF FISHERIES, MANYAM DISTRICT ARE PROPOSED TO BE SUSTAINED

-NIL-

BABU A
SECRETARY TO GOVERNMENT (HORTI, AQUA, FISHERIES)